File No. 461(8)

Collection No.

19 31.

Mysore Residency

Bangalore.

RC 27/6

Pros. / Serial Nos. 1-5

Subject.

Amendments to Form I appended to the Petroleum Rules in force in the Civil and Military Station, Bangalore.

Previous References.	Later References.

S. 97—(Blue).

MFP—168S&P—(M-184)—11-8-34—60,000.

Office notes
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CORRESPONDENCE.

All communications should be addressed to the Secretary to the Government of India, Department of Industries and Labour, by title, NOT by name.

Telegrams: "INDUSTRIES"

GOVERNMENT OF INDIA

Department of Industries and Labour.

No. M-749.

Dated New Delhi, the 11th March 1933.

From

Rai Bahadur S.K. Banerjee,

Assistant Secretary to the Govt. of India.

To

The Hon'ble the Resident in Mysore,

Bangalore.

OFFICE OF THE RESIDENT IN MYSORE, BANGALORE. 15 MAR 1933. Regd. No. 2520. No. 4/1131

Subject:- Amendment to Form I appended to the Petroleum Rules.

Sir,

I am directed to forward for your information

1. Letter from the Government of Bombay No. 8322-A, dated the 23rd December 1932, and enclosures.
2. Letter to the Government of Bombay No. M-749, dated the 11th March 1933.

} a copy of the correspondence noted in the margin on the above subject and to say that if it is desired to amend the local Petroleum Rules on similar lines, the necessary sanction of the Governor-General in Council under section 9(1) of the Indian Petroleum Act, 1899, may be obtained after the draft amendments are published for criticism as required by section 24(1) of the Act

I have the honour to be,

Sir,

Your most obedient servant,

Assistant Secretary to the Govt. of India.

D.A. Referred to.

SK/9-3.

11a

Copy of letter No. 8322-A., dated Bombay Castle, the 23rd December 1932, from the Chief Secretary to the Government of Bombay, Political Department, to the Secretary to the Government of India, Department of Industries and Labour.

Subject:- Amendments in Form I appended to the Petroleum Rules in force in the Bombay Presidency.

I am directed by the Governor in Council to enclose a copy of a letter from the Commissioner, Southern Division No. P.O.L., dated the 14th June 1931, in which he brought to the notice of the Government of Bombay the shipping by Messrs Birla Brothers of Bombay of 8,000 gallons of non-dangerous petroleum to Honavar in the Kanara District under a transport pass which did not mention the name of the consignee. This cargo was dumped on the public road and was considered to be dangerous to the public safety but as there was no provision in the Petroleum Rules making it obligatory on the holder of a general license for the transport of non-dangerous petroleum to deliver a consignment to a licensee for possession, in order to avoid any similar occurrence in the future, it was decided to amend Form I appended to the Petroleum Rules in force in the Bombay Presidency.

2. I am to state that the question whether Messrs Birla Brothers or the Tindal was liable for prosecution was carefully considered by the Government of Bombay and it was held that since there was no evidence to show that Messrs Birla Brothers, Limited, were the owners or were in possession of the kerosene when it was landed at Honavar, they were not liable to prosecution. It was however held that the Tindal having assumed responsibility for the possession of the kerosene after it was landed was alone liable to be prosecuted under section 15 of the Petroleum

Petroleum Act, 1899. In view, however, of the time that had lapsed since the consignment was landed at Honavar, it was considered undesirable to proceed against the Tindal under the Petroleum Act.

3. I am to enclose a copy of the draft notification containing the proposed amendments which have been framed in consultation with the Chief Inspector of Explosives in India and to say that the notification was provisionally published for criticism in the Bombay Government Gazette and the Sind Official Gazette but that no objections or suggestions from any member of the public have been received in regard to it. I am to add that the amendments have the approval of the principal Oil Companies in Bombay. I am therefore to request that you will be so good as to move the Government of India to convey their sanction to the proposed amendments.

Copy of letter No. P.O.L., dated Belgaum, the 14th June 1931, from the Commssioner, S.D., to the Secretary to Government, Political Department, Bombay.

I have the honour to enclose herein copies of a correspondence ending with letter No. 95-1, dated the 23rd April 1931, from the Collector of Salt Revenue and to state my opinion that in the interest of Government revenue and public safety the Indian Petroleum Act VIII of 1899 should be amended if it be held not to cover cases of the kind mentioned below:-

Messrs. Birla Brothers of Bombay shipped a consignment of 8,000 gallons of non-dangerous petroleum to Honavar under a transport pass which did not mention the name of the consignee. The Customs authorities permitted the landing

under

under the impression that the tindal of the machva was the consignee. The cargo was landed and was stocked on the public road and was eventually attached by the District Magistrate. When Messrs. Birla Brothers issued a transport pass it should be presumed that they intended the consignment to reach a consignee licensed under section 11 of the Act. If they consigned it to themselves they ought to have had a properly licensed pass to possess it from the District Magistrate, Kanara, which they donot appear to have possessed. The circumstances however point to the conclusion that the consignment was dumped with the intention of selling it within the statutory limits to several unspecified individuals. Messrs. Birla Brothers would therefore appear to be guilty under section 15 of the Petroleum Act in as much as neither they nor the tindal of the machva had a license to possess non-dangerous petroleum in the Kanara district in excess of the statutory limits. I do not consider that the mere legality of the transport pass absolves the consignor in such cases from liability and the Customs Officer would have been within his rights had he disallowed the landing. If the legal position be what the Collector of Salt Revenue presumes it to be, the only alternative to such evasions is an amendment of the Act.

POLITICAL DEPARTMENT.

Bombay Castle, 10th October 1932.

No. 8322.- The following draft of a notification which it is proposed to issue under the Indian Petroleum Act, 1899 (VIII of 1899), is published as required by sub-section (i) of section 24 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the

Governor

Governor in Council on or after the 13th December 1932.

2. Any objection or suggestion which may be sent to the Chief Secretary to the Government of Bombay, Political Department, by any person with respect to the said draft before the date aforesaid, will be considered by the Governor in Council.

Draft Notification.

No. .- In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), the Governor in Council, with the previous sanction of the Governor General in Council, is pleased further to amend the rules for the importation, possession and transport of petroleum into the Bombay Presidency, published in Government Notification in the General Department, No. 2572, dated the 18th May 1909, as follows, namely:-

In Form I appended to the said rules,

(a) for the words "being the property of

while in transport from to " the following shall be substituted, namely:- "consigned to (the holder of a license in Form to possess gallons of dangerous / non-dangerous petroleum), while in transport from to . The consignee shall not deliver any dangerous petroleum in excess of 3 gallons or any non-dangerous petroleum in excess of 500 gallons except to the holder of a storage License."

(b) against the word "pass" in the paragraph reading "This pass covers to" an asterisk* shall be inserted and the following be added below that paragraph, namely:-

"*This pass may cover any quantity of petroleum in excess of that permitted to be stored under a license by the consignee provided prior arrangements have been made by him for the immediate disposal on landing of the excess quantity and that no quantity of petroleum in excess of that mentioned in the license is actually stored by him in the licensed premises at any time."

By order of the Governor in Council.

Sd/- C.W.A. Turner,

Officiating Chief Secretary to Government.

S.K./9-3.

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All communications should be addressed to the Secretary to the Government of India, Department of Industries and Labour, by title, NOT by name.

Telegrams: "INDUSTRIES".

GOVERNMENT OF INDIA.

Department of Industries and Labour.

No. M-749.

Dated New Delhi, the 11th March 1933.

From

Rai Bahadur U.N. Banerjee,

Assistant Secretary to the Govt. of India,

To

The Chief Secretary to the
Government of Bombay.

Subject:- Amendment of Form I appended to the Petroleum Rules.

Sir,

With reference to your letter No. 8328-A., dated the 23rd December 1932, I am directed to convey the sanction of the Governor-General in Council under section 9(1) of the Indian Petroleum Act, 1899, to the proposed amendment of Form I appended to the Petroleum Rules in force in the Bombay Presidency.

I have the honour to be,
Sir,
Your most obedient servant,

S.N. Banerjee,

Assistant Secretary to the Govt. of India.

CK/9-3.

4355
Ene. 6.

14th June 1933

No. L.749, dated the 11th March 1933, from the Govt. of India, Department of Industries and Labour.

P.U.C.

(For precedent please see S.N. 6)

A copy of the marginally noted -- letter, with enclosures, is forwarded to the Collector, C.& M. Station, Bangalore, for favour of his views on the subject.

For Secy. to the Resident.

S. Singaroyan
11-5-33

No. 2988-B-33.

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 7th July 1933.

FROM

G.H.Cooke Esq., M.C., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

SIR,

Regarding certain amendments to the Station Petroleum Rules- Your No. 4355 dated 14-6-33.

I see no objection to the amendments referred to

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
11 JULY 1933
Regd. No. 5954
File. No. 441/34

I have the honour to be,

Sir,

Your most obedient servant

10.7.33

COLLECTOR.

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DEPARTMENT. File No.

BRANCH. Serial No.

Draft Letter / Memorandum / Telegram Notification No. 60. Date. 5th September 1933.

Class for telegrams — Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

S.N. 196 / 253-03 (7)

(Code word for telegrams.)

The Resident in Mysore.

Notification.

The following draft of amendments which it is proposed to make in the rules to regulate the possession and transport of petroleum, promulgated with the Residency Notification No.52, dated the 19th July 1909, is published for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 20th October 1933.

Any objection which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Resident in Mysore.

Draft amendments.

In Form I appended to the said Rules,

(a) for the words "being the property of —— while in transport from to —— " the following

shall

& follow amendments made in Bombay Rules Page 4 of S.N. 1/a of (1)

(3/1) (reverse)

S. 5.

MGIP—S1—207 (OPS) DCF—(M) —17-4-32—60,000 sets.

shall be substituted, namely:-

"consigned to —— (the holder of a License in Form —— to possess —— gallons of dangerous / non-dangerous petroleum), while in transport from —— to —— The consignee shall not deliver any dangerous petroleum in excess of 3 gallons or any non-dangerous petroleum in excess of 500 gallons except to the holder of a storage License".

(b) against the word "pass" in the paragraph reading "This Pass covers —— to" an asterisk* shall be inserted and the following shall be added below that paragraph, namely

"*This pass may cover any quantity of petroleum in excess of that permitted to be stored under a license by the consignee provided prior arrangements have been made by him for the immediate disposal on landing of the excess quantity and that no quantity of petroleum in excess of that mentioned in the license is actually stored by him in the licensed premises at any time."

Secretary to the Resident.

To be published in the Residency Orders.

A copy of the foregoing notification is forwarded to the ~~Collector~~ Dy. Commissioner, Civil & Military Station, Bangalore, with

S.N.3
P.U.C.

with reference to his letter No. 2988-B-33, dated the 7th July 1933.

20/8/33

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No. 567 ----------Encl.
461/1931.

From

The Hon'ble Lieut.-Colonel C.T.C. Plowden, C.I.E.,
RESIDENT IN MYSORE.

To

The Secretary to the Government of India,
Department of Industries and Labour.

Bangalore, the 18th January 1934.

Amendment to Form I appended to the Petroleum Rules.

Sir,

S.N.I. Cutts

I have the honour to refer to the letter No.M-749, dated the 11th March 1933, from the Government of India in the Department of Industries and Labour, on the subject mentioned above, and to say that the draft amendments to Form I appended to the Petroleum Rules in force in the Civil and Military Station, Bangalore, were published on the 15th September 1933 in the Mysore Residency Orders (vide Notification No.60 dated the 5th September 1933 - copy enclosed) and that no criticisms or objections have been received up to date. I see no objection to the amendments being issued finally and request that the sanction of the Government of India may kindly be accorded.

I have the honour to be,
Sir,
Your most obedient servant,

O/C 17/1/34

Lieut.-Colonel,
R E S I D E N T.

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NOTIFICATION.

No.60, dated the 5th September 1933.

The following draft of amendments which it is proposed to make in the rules to regulate the possession and transport of petroleum, promulgated with the Residency Notification No.52, dated the 19th July 1909, is published for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 20th October 1933.

Any objection which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Resident in Mysore.

Draft amendments.

In Form I appended to the said Rules,

(a) for the words "being the property of ..... while in transport from.....to....." the following shall be substituted, namely :-

"consigned to.....
(the holder of a License in Form ..... to possess ..... gallons of dangerous / non-dangerous petroleum), while in transport from..... to..... The consignee shall not deliver any dangerous petroleum in excess of 3 gallons or any non-dangerous petroleum in excess of 500 gallons except to the holder of a storage License".

(b) against the word "pass" in the paragraph reading "This Pass covers.....to" an asterisk (*) shall be inserted and the following shall be added below that paragraph, namely :-

"* This pass may cover any quantity of petroleum in excess of that permitted to be stored under a license by the consignee provided prior arrangements have been made by him for the immediate disposal on landing of the excess quantity and that no quantity of petroleum in excess of that mentioned in the license is actually stored by him in the licensed premises at any time".

Sd/- G. Kirkbride,
Major,
SECRETARY TO THE RESIDENT.

"C o p y"

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